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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,299	12/31/2003	Juha Haimala	1503-0160P	8432
2292	7590	01/19/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER

3652

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,299

Applicant(s)

HAIMALA ET AL.

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1-10 are objected to because of the following informalities: they are not in proper idiomatic format per US Patent and Trademark standards. Appropriate correction is required.
2. In place of "characterized in that" the following is suggested: "...the system comprising: a..."

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3 & 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 2, line 2, claim 3, line 3, and claim 6, line 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112 second paragraph as an improper method claim. Claim 1 provides for the use of a storage apparatus, but since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it

merely recites a use without any active, positive steps delimiting how this use is actually practiced. When reciting a method claim it is appropriate to incorporate such language as “**providing** a storage apparatus”, “**moving** from storage”, “**moving** from storage by load manipulating device”, or “**lifting**.”(Emphasis added.)

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroder (US 5,096,355).

7. With respect to claim 1 as best understood, referring to FIGS. 1-10 Schröder '355 discloses a method for storing loads 100, comprising providing an apparatus 50, 70 storage location 20, 120, load manipulating device 50, 70 two (2) carriage units 50, 70.

8. With respect to claim 2, referring to FIGS. 1-10 Schröder '355 discloses a stacker 50, 70 putting a load 100 in storage 20, 120. Col. 3, Ins. 15-35.

9. With respect to claim 3, referring to FIGS. 1-10 Schröder '355 discloses a two (2) carriage units 50, 70 moving a load 100 from storage 20, 120 with a load manipulating device 50. Col. 3, Ins. 15-35.

10. With respect to claim 4, referring to FIGS. 1-10 Schröder '355 discloses lifting and lowering, col. 5, Ins. 60-61, with a load manipulating device 50, 70.

Art Unit: 3652

11. With respect to claim 5, referring to FIGS. 1-10 Schröder '355 discloses moving a load 100 from storage 20, 120, col. 3, Ins. 15-35, two (2) carriage units 50, 70, without a load 100. Col. 6, Ins. 2-6.

12. With respect to claim 6, referring to FIGS. 1-10 Schröder '355 discloses an apparatus for storing load 100 comprising a storage location 20, 120, load manipulating device 50, 70, two (2) carriage units 50, 70, which brings loads to/from a storage location. Col. 3, Ins. 15-25.

13. With respect to claim 7, referring to FIGS. 1-10 Schröder '355 discloses a lifting unit 80, 71 on a carriage unit 50, 70.

14. With respect to claim 8, referring to FIGS. 1-10 Schröder '355 discloses a carriage unit 50, 70 which can be moved under a load 100 while the load is resting on seat 186.

15. With respect to claim 9, referring to FIGS. 1-10 Schröder '355 discloses carriage units 50, 70 which operate in pairs.

16. With respect to claim 10, referring to FIGS. 1-10 Schröder '355 discloses a means for positioning 75, 170 the carriage unit 50, 70. Col 6, Ins. 2-6.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,886,414 TO Fujita et al.

US 4,183,710 to Burdick

US 3,521,898 to Fulmer et al.

US 2002/0015637 to Franzen et al.

US 4, 505,630 to Kaschner et al.

US 5,020,961 to Maki-Rahkola et al.

US 4,459,078 to Chiantella et al.

US 6,415,904 to Markiewicz

Application/Control Number: 10/748,299
Art Unit: 3652

Page ⁵ 3
OK-GWA

US 5,054,986 to Hirano et al.

US 4,971,505 to Sawyer

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA


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TECHNOLOGY CENTER 3600